

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA)	Case No. 2:13-cr-004-APG-GWF
)	
Plaintiff,)	<u>MOTION AND ORDER FOR DISMISSAL</u>
vs.)	
)	
ALEX ARISTIDES MENENDEZ-JACO,)	ORDER
)	
Defendant.)	

COMES NOW, the United States of America, by and through Daniel G. Bogden, United States Attorney, and Robert A. Bork, Assistant United States Attorney, and moves to dismiss the Indictment based upon recent decisions by the Ninth Circuit Court of Appeals United States v. Chandler, ____ F.3d ____, 2014 U.S. App. 3160 (Feb. 20, 2014) and United States v. Garcia-Santana, ____ F.3d ____, 2014 U.S. App. 3161 (Feb. 20, 2014) which the government concedes reject the legal basis of the Magistrate Judge's Report and Recommendation to deny defendant's Motion to Dismiss the Indictment.

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1 Accordingly, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by
2 leave of Court endorsed hereon, the United States for the District of Nevada hereby dismisses the
3 Indictment filed on January 2, 2013, as against ALEX ARISTIDES MENENDEZ-JACO.

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5 DATED this 24th day of February, 2014.

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7 DANIEL G. BOGDEN
United States Attorney

8 /s/ Robert A. Bork

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10 ROBERT A. BORK
Assistant United States Attorney

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12 Leave of Court is granted for the filing of the foregoing dismissal.

13 DATED this 25th day of February, 2014.

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16 UNITED STATES DISTRICT JUDGE
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